

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------------------|---|----------------------|
| BARBARA BRUNDO, |) | |
| |) | 8:04cv209 |
| Plaintiff, |) | |
| |) | MEMORANDUM AND ORDER |
| v. |) | |
| |) | |
| CHRIST THE KING CHURCH/PARISH, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on filing no. 76, the Motion To Alter or Amend Judgment filed by the defendants, Christ the King Church/Parish and Christ the King Catholic School. In filing nos. 74 and 75, the court granted the defendants' Motion for Summary Judgment and entered judgment in favor of the defendants and against the plaintiff, Barbara Jane Mrzlak Brundo, Ed.D. on the plaintiff's claims under the Age Discrimination in Employment Act, 29 U.S.C. §§ 621 *et seq.* ("ADEA"); Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* ("Title VII"); the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. §§ 48-1101 *et seq.* ("NFEPA"); and the Nebraska Act Prohibiting Unjust Discrimination in Employment Because of Age, Neb. Rev. Stat. §§ 48-1001 *et seq.* ("Nebraska Age Discrimination Act").

However, as the defendants point out in filing no. 76, the court had previously entered an award of attorney's fees in the amount of \$3,500 to be paid by the plaintiff (filing no. 45). The court stated in filing no. 45: "Defendants' motion for sanctions, filing 9, is granted. The defendants are hereby awarded attorney fees in the amount of \$3,500.00. The clerk shall make this award of attorneys fees part of any judgment eventually entered in this case unless the parties file a statement with the clerk advising that the award of fees

was paid prior to judgment." The defendants state that the award of fees has not been paid prior to judgment.

THEREFORE, IT IS ORDERED:

1. That filing no. 76, the defendants' Motion To Alter or Amend Judgment, is granted; and

2. That an Amended Judgment will be entered in accordance with this Memorandum and Order.

DATED this 8th day of November, 2005.

BY THE COURT:

s/Laurie Smith Camp
Laurie Smith Camp
United States District Judge

